



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 31, 1993

Mr. Alvin Miller
Director, Accounting
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR93-166

Dear Mr. Miller:

You have received a request from Seminoff, Inc., for the payee names and last known addresses of certain Texas treasury warrants issued by the Office of the Attorney General. You ask whether the payee names and addresses at issue here are subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 19371.

Section 3(a)(1) excepts from required public disclosure "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." The Workers' Compensation Act, article 8308-2.31, V.T.C.S., provides, in part:

(a) Information in or derived from a claim file *regarding an employee* is confidential and may not be disclosed by the commission except as provided by this Act. [Emphasis added.]

We understand that one of the warrants for worker's compensation is payable directly to an employee. Although this provision by its terms applies only to the Texas Workers' Compensation Commission (the "commission"), article 8308-2.36 requires that information made confidential by article 8308-2.31 that is obtained by the Office of the Attorney General from the commission be kept confidential.¹ Article 8308-2.31(a) prohibits the division's disclosure of the employee's name if the commission released the

¹Article 8308-2.36 provides in part that "[a]ny information relating to a claim that is confidential under this Act remains confidential when released [by the commission] to any person, except when used in court for the purposes of an appeal." Article 8308-2.32(a) authorizes the commission to release "information in or derived from a claim file regarding an employee" to governmental agencies or regulatory bodies for various purposes.

name of the employee to this office.² With respect to the remaining warrants for worker's compensation, this office need not determine whether article 8308-2.31 prohibits the division from releasing the names on these warrants as "information in or derived from a [compensation] claim file" because these warrants are not payable to an employee but rather to the employee's health care provider or attorney. Article 8308-2.31 is therefore inapplicable to the remaining worker's compensation warrants.

With respect to the other warrants at issue here, you have not indicated any statute or circumstances that would make the names on these warrants confidential, nor are we aware of any statutes or circumstances making the names confidential. *See, e.g., Crime Victims Compensation Act, V.T.C.S. art. 8309-1; Family Code §§ 14.43, 14.80 et seq. (expedited process to establish or enforce support obligations under Title IV-D of the federal Social Security Act, 42 U.S.C. § 651 et seq.); Industrial Found. of the S. v. Texas Indus. Accident Bd., 540 S.W.2d 668, 685 (Tex. 1976), cert. denied, 430 U.S. 931 (1977) (information may be withheld on common law privacy grounds only if it is both highly intimate or embarrassing and is of no legitimate concern to the public); Open Records Decision No. 339 (1982) (information identifying the victim of sexual assault protected by common law privacy).* Accordingly, the payee names on these warrants must be released.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR93-166.

Yours very truly,



Celeste A. Baker
Assistant Attorney General
Opinion Committee

CAB/GCK/le

Ref.: ID# 19371

cc: Mr. Dillan Wallace
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SSD/MATERIALS MANAGEMENT

²The commission's knowledge of the name of and other facts about a particular workers' compensation claimant will in almost all instances constitute "information in or derived from a [commission] claim file" regarding the employee.